

EXHIBIT 1

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11
12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 DONALD LEO MELLEIN,

15 Plaintiff,

16 v.

17 UNITED STATES OF AMERICA, et
18 al.,

19 Defendants.

No. 2:23-cv-07970-RGK-MAR

**DEFENDANT UNITED STATES OF
AMERICA'S OFFER OF JUDGMENT
TO PLAINTIFF DONALD LEO
MELLEIN**

[Federal Rule of Civil Procedure 68]

1 TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

2 Defendant the United States of America hereby makes Plaintiff an Offer of
3 Judgment in the amount of ONE HUNDRED SIXTY-SIX THOUSAND ONE
4 HUNDRED THREE DOLLARS AND 00/100 (\$166,103.00) and his costs of suit.¹
5 Defendant's payment of \$166,103.00 and costs of suit shall be the total amount that
6 Defendant shall be obligated to pay on account of any liability claimed herein, and which
7 shall include, without limitation, any liability for costs of suit or attorney fees awardable
8 by statute, contract, or otherwise, and any claim for fees payable to expert witnesses.

9 This Offer of Judgment is made pursuant to Rule 68 of the Federal Rules of Civil
10 Procedure. Plaintiff may accept this Offer of Judgment by serving written notice of
11 acceptance upon undersigned counsel within fourteen (14) days after service of the Offer
12 of Judgment. Fed. R. Civ. P. 68(a). If Plaintiff accepts the Offer of Judgment, either
13 party may then file the offer and notice of acceptance, plus proof of service, and the
14 clerk must then enter judgment. Fed. R. Civ. P. 68(a).

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28 ¹ Costs of suit does not include attorneys' fees.

1 If Plaintiff does not accept this Offer of Judgment by serving written notice of
2 acceptance within fourteen (14) days after service of the Offer of Judgment, then the
3 offer is considered withdrawn. Fed. R. Civ. P. 68(b). If Plaintiff does not accept this
4 Offer of Judgment, and if any judgment which Plaintiff might finally obtain against the
5 Defendant is “not more favorable than the unaccepted offer,” then Plaintiff must pay the
6 costs incurred by the Defendant after the offer was made. Fed. R. Civ. P. 68(d).

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8 Dated: August 29, 2024

Respectfully submitted,

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